

POSTED
06/12/01

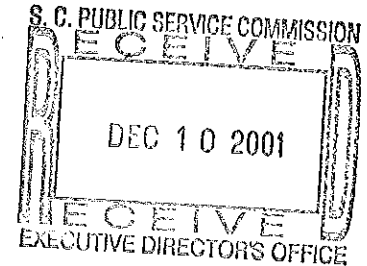
BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

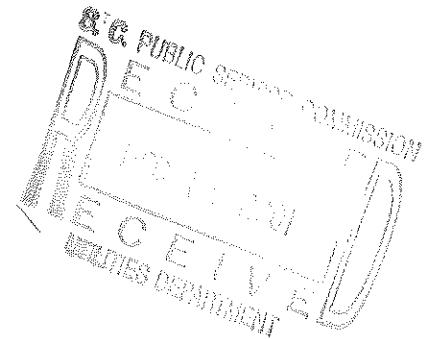
DOCKET NO. 2001-411-E

IN RE: Greenville County Power, LLC)
Application for a Certificate of)
Environmental Compatibility)
and Public Convenience)
and Necessity)
)
)
)



PREFILED TESTIMONY OF KEVIN CLARK, DHEC BUREAU OF AIR QUALITY

- Q. Please state your name and address for the record.
- A. Kevin James Clark.
- Q. By whom are you employed?
- A. By the South Carolina Department of Health and Environmental Control.
- Q. How long have you been employed by DHEC?
- A. Over nine years.
- Q. What is your position at DHEC?
- A. Environmental engineer.
- Q. Please describe your responsibilities.
- A. I am in an air permitting section within the Bureau of Air Quality. I write air permits for SCE&G facilities along with any independent power producers located in upstate South Carolina. I also permit some waste combustion sources, primarily Holnam Cement. I am also responsible for air permitting activities at BMW Corp.
- Q. What education have you received?



12-7-01
OK DJ
SERVICE

- A. Bachelor's and Master's degrees in engineering.
- Q. Do you have any professional qualifications?
- A. I am registered as a Professional Engineer in South Carolina.
- Q. Are you familiar with the proposal by Greenville County Power, LLC, for a gas-fired electric generating facility to be constructed near Greenville, SC?
- A. Yes.
- Q. What is your responsibility with regard to the Permit to Construct?
- A. I am responsible for reviewing the permit application and preparing a draft permit if the application addresses all applicable issues.
- Q. How many permits have you written?
- A. Approximately 10.
- Q. What regulations and statutes are applicable to this project?
- A. The South Carolina Pollution Control Act, the Federal Clean Air Act and Amendments, and Regulation 61-62, Air Pollution Control Regulations and Standards.
- Q. What are the requirements regarding permitting of the proposed generating station?
- A. Due to the magnitude of proposed emissions to be emitted, this facility will be subject to state permitting requirements; New Source Review requirements; Prevention of Significant Deterioration (PSD) permitting requirements; and New Source Performance Standards located in 40 CFR 60.
- Q. What are the PSD permitting requirements?
- A. Since the facility is locating in a current attainment area, PSD requires applicants to perform a Best Available Control Technology (BACT) determination, to provide an air dispersion modeling demonstration that indicates the facility will not cause or contribute to an exceedance of the ambient air quality standards, to verify the facility's emissions will not cause an impact at areas that Federal government wishes to keep pristine (Great Smokies National Park, Joyce Kilmer National Forest, Linville Gorge, as examples), and to determine other impacts that may occur due to the construction of the facility.

- Q. What is the significance of your observation that the facility will be locating in a A "current attainment area"?
- A. Based on the current ambient air quality standards, the Greenville area is in attainment for all of the standards. There are, however, proposed ozone and particulate matter standards that are currently being challenged in Federal court. These proposed standards are stricter than the current standards. Based on ambient air monitoring data in the upstate, this area would be non-attainment if these standards are ultimately upheld.
- Q. What are the applicable New Source Review requirements?
- A. New Source Review is an umbrella term for both attainment area and non-attainment area permitting. Since the area is in attainment for all pollutants, PSD permitting requirements would apply.
- Q. What are the New Source Performance Standards?
- A. These are sets of requirements that new equipment is required to meet. For example, there are limits for emissions of nitrogen oxides (NO_x) and sulfur dioxide from gas turbines within these standards. For PSD purposes, a source may not have emissions limits that are less strict than those contained in the New Source Performance Standards.
- Q. What is the procedure for issuing a Permit to Construct?
- A. Applications for permits to construct go through several phases: preliminary review; draft preparation; public comment; and the permit decision.
- Q. What is involved in the preliminary review?
- A. First, the engineer assigned to the project verifies that the permit application is complete. The BACT analysis is reviewed to verify it has been done correctly. Any modeling analyses are reviewed by another section in the Bureau of Air Quality to verify that they have been done correctly. If my review leads me to conclude that the proposed activity can be conducted in accordance with applicable regulations, I then draft a permit using state and Federal regulations as a basis, including information from the BACT analysis and the air modeling demonstration.
- Q. Where is this application in the process?

- A. Currently I am waiting for additional information from the applicant on nitrogen oxide (NOx) control technology levels.
- Q. Please describe the public notice and comment process.
- A. Once a draft permit has been prepared, it is put on public notice to allow for public participation. For some applications, a public hearing may be conducted. We receive and review comments and at the conclusion of the comment period, a permit decision follows. Depending upon the comments received we may modify the draft permit to address the issues or deny the permit.
- Q. Has the public comment process begun for this application?
- A. No. The public comment process does not begin until a draft permit has been prepared.
- Q. What comes after the public comment process?
- A. Providing no technical issues are brought up during the public comment period that would give cause for denying the permit, I would then recommend to the permitting director that the permits be issued.
- Q. Are there any other issues that may enter into the decision for this permit?
- A. I am aware of the concern from an air quality perspective on the overall impact of this facility and others like it that have been proposed.
- Q. What is the concern?
- A. As mentioned in response to an earlier question, data from our network of air monitors in the upstate indicate that we will not be able to comply with federally proposed regulatory changes for Ozone and Particulate Matter. Combustion turbines emit significant levels of NOx (which is one of two precursors in the formation of ground level ozone) and particulate matter (known lung irritants). For a non-attainment area, emission budgets for contributing pollutants would have to be developed, and both current and new industry wanting to move into the area may be impacted. Requirements such as reducing emissions from existing sources, limiting new growth, or not allowing new growth at all could be potential consequences of a non-attainment designation.
- Q. What is the Bureau doing about this?

- A. Although this is not my current assigned area, I am aware that the Bureau of Air Quality is currently in the midst of an ozone modeling project that will allow us to measure what impact additional emissions will have on an area's attainment status. This model should be ready for us sometime after the first of the year.
- Q. Will this modeling effort affect the final decision on this permit?
- A. I don't know the answer to that question. I am reviewing the application as I have described. Management staff in the Bureau is evaluating the need for additional considerations that may need to be made in consideration of the attainment issues.

S:\Share\LEGAL\ALL\MATTERS\10185\PREFILED TESTIMONY\KEVIN CLARK.wpd